



**Special - Regular Meeting Agenda  
City Council**

*Steve Tate - Mayor*  
*Larry Carr - Mayor Pro Tem*  
*Rich Constantine - Council Member*  
*Caitlin Jachimowicz - Council Member*  
*Rene Spring - Council Member*

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**Wednesday, June 28, 2017 6:00 PM**

**Council Chamber  
17555 Peak Avenue, Morgan Hill, CA 95037**

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**SPECIAL/REGULAR MEETING**

**(6:00 P.M. Closed Session/ 7:00 P.M. Regular Meeting)**

**SPECIAL MEETING**

**6:00 P.M.**

**CALL TO ORDER**

Mayor Tate

**ROLL CALL ATTENDANCE**

Deputy City Clerk Wilson

**DECLARATION OF POSTING AGENDA**

Deputy City Clerk Wilson

**CLOSED SESSION**

**OPPORTUNITY FOR PUBLIC COMMENT**

**ADJOURN TO CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Authority: Pursuant to CA Govt. Code Section 54956.9(d)(1)

a. Case Name: Caballero v. City of Morgan Hill

Worker's Compensation Claim Nos:

WCAB ADJ9188774, MHL1400010

WCAB ADJ8606660, MHL1300012

WCAB ADJ8606584, MHL1200006

b. Case Name: Nelsen v. City of Morgan Hill

Worker's Compensation Claim Nos:

WCAB ADJ9373607, MHL1400026

WCAB ADJ9383549, MHL1400024

WCAB ADJ9383541, MHL1400022

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to: Government Code Section 54956.9(d)(2)

Number of Cases: One (1)

**RECONVENE**

**CLOSED SESSION ANNOUNCEMENT**

**REGULAR MEETING**

**7:00 P.M.**

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council.

**SILENT INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CITY COUNCIL REPORTS**

Council Member Spring

## **CITY MANAGER'S REPORT**

## **CITY ATTORNEY'S REPORT**

## **OTHER REPORTS**

### **RECOGNITION**

Tim Hennessey, Library Culture and Arts Commissioner

### **PUBLIC COMMENT**

Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

### **ADOPTION OF AGENDA**

### **CONSENT CALENDAR**

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate for Consent Calendar: 1 - 10 Minutes

#### **1. COPS HIRING GRANT**

Recommendation:

1. Accept report in support of application of the Community Oriented Policing Services Hiring Grant, and
2. Affirm the City's commitment to maintain the position once grant funding expires.

#### **2. SERVER AND STORAGE REPLACEMENT**

Recommendation:

Approve purchase of replacement server and storage solution from IT Management Corporation for a not to exceed amount of \$246,744.28.

**3. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)/HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) JOINT POWERS AND COOPERATION AGREEMENT**

Recommendation:

Adopt resolution authorizing the City Manager to execute or amend a Joint Powers and Cooperation Agreement ("Agreement") among the County of Santa Clara and a number of local jurisdictions for the term October 1, 2017, through September 30, 2020, with subsequent automatic three-year renewals unless the Agreement is terminated, for purposes of securing federal Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) Funding, following approval by the City Attorney as to form and legality.

**4. APPROVAL OF AMENDMENT TO THE LEGAL SERVICES CONSULTANT AGREEMENT WITH LEONE & ALBERTS FOR LITIGATION SERVICES TO INCREASE THE TOTAL NOT TO EXCEED AMOUNT TO \$95,000**

Recommendation:

Approve the amendment to the legal services consultant agreement with Leone & Alberts for litigation services to increase the total not to exceed amount by \$20,000 to \$95,000.

**5. ADOPT ORDINANCE 2250, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING TITLE 3 OF THE MORGAN HILL MUNICIPAL CODE TO ADD A NEW CHAPTER 3.21 TO CREATE A USE TAX INCENTIVE PROGRAM**

Recommendation:

Waive the reading, adopt Ordinance No. 2250, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

**6. ADOPT ORDINANCE 2251, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT DA-15-06 (AAE 2017-0023): MONTEREY - EAH EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATE FOR SIX-MONTHS FOR 19 FISCAL YEAR 2016-2017 ALLOTMENTS (APN 817-03-055)**

Recommendation:

Waive the reading, adopt Ordinance No. 2251, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

**7. ADOPT ORDINANCE 2252, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT DA-15-07 (AAE 2017-0024): CIOLINO - EAH EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATE FOR SIX-MONTHS FOR EIGHT FISCAL YEAR 2016-2017 ALLOTMENTS (APN 767-09-029)**

Recommendation:

Waive the reading, adopt Ordinance No. 2252, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

8. **ADOPT ORDINANCE 2253, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT DA-15-08 (AAE 2017-0025): EAST DUNNE - EAH EXTENDING THE COMMENCEMENT OF CONSTRUCTION DATE FOR SIX-MONTHS FOR 14 FISCAL YEAR 2016-2017 ALLOTMENTS (APN 817-01-080)**

Recommendation:

Waive the reading, adopt Ordinance No. 2253, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

9. **ADOPT ORDINANCE 2254, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDED DEVELOPMENT AGREEMENT TO DA-14-03 (AAE2017-0013): BUTTERFIELD – DIVIDEND INCORPORATING SIX FISCAL YEAR 2016-2017 ALLOTMENTS TO THE APPROVED 78-UNIT VALENCIA DEVELOPMENT AND EXTENDING THE EXERCISE OF ALLOTMENTS FOR 84 BUILDING ALLOTMENTS (APN 726-26-005 &008)**

Recommendation:

Waive the reading, adopt Ordinance No. 2254, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

10. **ADOPT ORDINANCE 2255, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING THE R-1 (4,500) (PD) AND R-2 (3,000) (PD) PLANNED DEVELOPMENT OVERLAY DISTRICT AND PRECISE DEVELOPMENT PLAN FOR AN 84-UNIT RESIDENTIAL DEVELOPMENT ON A 13.72-ACRE SITE LOCATED ON THE NORTHWEST AND NORTHEAST CORNERS OF THE INTERSECTION OF BUTTERFIELD BOULEVARD AND EAST CENTRAL AVENUE. (APN 726-26-005 &008)**

Recommendation:

Waive the reading, adopt Ordinance No. 2255, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

11. **ADOPT ORDINANCE 2256, NEW SERIES, AN ORDINANCE OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT DA 06-06 GRANTING A SIX-MONTH EXTENSION FOR 15, FISCAL YEAR 2014-2015 ALLOTMENTS FOR APPLICATION DA 06-06 (AAE2017-0016): MONTEREY - GUNTER (APN 726-23-008)**

Recommendation:

Waive the reading, adopt Ordinance No. 2256, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

## **12. APPROVE THE JUNE 7, 2017 MEETING MINUTES**

Recommendation:

Approve Minutes.

## **PUBLIC HEARING**

### **13. CITY COUNCIL TRANSITION TO BY-DISTRICT ELECTIONS**

Recommendation:

1. Receive report from National Demographics Corporation;
2. Open/close the public hearing; and
3. Direct staff to work with consultants and the community to identify and define four Council districts in compliance with the California Voting Rights Act and Elections Code section 10010.

Estimated Time: 45 Minutes

## **OTHER BUSINESS**

### **14. UHC CONDITIONAL AFFORDABLE HOUSING FUNDING RECOMMENDATION**

Recommendation:

Approve conditional funding for the UHC Affordable Housing Project \$750,000, contingent on UHC's ability to obtain the remaining gap funds, subject to an agreement negotiated by the City Attorney.

Estimated Time: 10 Minutes

### **15. ACCEPTANCE OF 2017 PAVEMENT MANAGEMENT SYSTEM REPORT**

Recommendation:

1. Receive report on 2017 Pavement Management System Report; and
2. Accept the 2017 Pavement Management System Report.

Estimated Time: 45 minutes

### **16. ENVIRONMENTAL AGENDA REVIEW**

Recommendation:

Accept report and provide direction to staff on future implementation priorities.

Estimated Time: 20 Minutes

### **17. PROVIDE DIRECTION REGARDING WAGE THEFT PREVENTION POLICY**

Recommendation:

1. Provide direction on developing a policy to prohibit contracts with individuals or entities that engage in wage theft, and
2. Provide direction regarding other actions that may be taken to combat wage theft.

Estimated Time: 5 Minutes

## **FUTURE COUNCIL INITIATED AGENDA ITEMS**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

## **ADJOURNMENT**

## NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

## PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers, and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council, but it is very helpful. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so by during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council meeting. Should your comments require Council action, your request may be placed on the next appropriate agenda. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email [michelle.wilson@morganhill.ca.gov](mailto:michelle.wilson@morganhill.ca.gov).

## AMERICANS WITH DISABILITIES ACT (ADA)

*In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email [michelle.wilson@morganhill.ca.gov](mailto:michelle.wilson@morganhill.ca.gov). Requests must be made as early as possible and at least two-full business days before the start of the meeting*





### *Sustainable Morgan Hill Vision*

*Morgan Hill is a socially responsible, environmentally conscious, and economically sound community that embraces inclusiveness with participation by all.*

### **CITY COUNCIL ONGOING PRIORITIES**

Enhancing Public Safety · Protecting the Environment · Maintaining Fiscal Responsibility ·  
Supporting Our Youth, Seniors, and Entire Community · Fostering a Positive Organizational Culture ·  
Preserving and Cultivating Public Trust · Preserving Our Cultural Heritage

### **2017 STRATEGIC PRIORITIES**

**High Speed Rail**

**Inclusiveness**

**Infrastructure**

**Regional Initiatives**

**Telecommunications**

## 2017 STRATEGIC PRIORITIES:



### **High Speed Rail**

The City of Morgan Hill will directly advocate for our community's needs through our communications, discussions, and decisions. We will continue to engage the community, the High Speed Rail Authority, our state and federal legislators, and other regional agencies to mitigate negative impacts and convey our position that the High Speed Rail Authority should only use the existing Highway 101 right-of-way to avoid all impacts to residents, schools, and businesses. Should the Authority decide the 101 right-of-way is not feasible, we will strongly advocate for the route with the least impact on Morgan Hill.



### **Inclusiveness**

We will celebrate the diversity, history, and culture of our community. Through City Council workshops, community meetings, and researching successes in other communities, the City will listen to and collaborate with the community to define how inclusiveness will be further woven into our community's fabric and to increase public participation. The City's communications, services, public spaces, and projects will embrace all community members as partners, advancing our vision of being a socially responsible community.



### **Infrastructure**

The City will review its streets, parks, and public facilities infrastructure needs initially by updating its 2014 infrastructure study to quantify the funding gap. We will identify potential funding options as ongoing revenue is insufficient to fund our vital community assets at a sustainable level without significantly impacting existing service levels that our community has come to expect. Morgan Hill will actively work with the Valley Transportation Agency, the County, and the State to secure funding for the Santa Teresa extension and road maintenance. We will continue to work closely with our community to inform them of the needs and engage them to find an affordable and sustainable solution.



### **Regional Initiatives**

City Council and staff will focus on influencing regional decisions that benefit Morgan Hill. This regional involvement will include, but not be limited to, partnering with the League of California Cities, Valley Transportation Authority, Santa Clara Valley Water District, Cities Association of Santa Clara County, the City of Gilroy, Santa Clara County, Morgan Hill Unified School District, the Local Agency Formation Commission, the Open Space Authority, and Silicon Valley Clean Energy to advance projects that further Sustainable Morgan Hill.



### **Telecommunications**

The City will collaborate with the private sector to explore ways to provide fast, reliable access and wireless connectivity for residents and businesses. The 2016 Telecommunications Infrastructure and Economic Development Blueprint reports will be the foundation for continuing discussions with broadband providers, public utilities, and other infrastructure service providers in developing an implementation plan for growing our telecommunications infrastructure. The plan will be used to signal Morgan Hill's support for business expansion.